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6 Attorneys for Plaintiffs, TOMAS BARRERA, SR., individually and as a Personal Representative of THE ESTATE OF TOMAS BARRERA, JR.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL:

Plaintiffs hereby submit the attached proposed jury questionnaire.

Dated: July 24, 2009

LAW OFFICES OF GREGORY A. YATES

GREGORY A. YATES,
Co-Counsel for Plaintiffs,
TOMAS BARRERA, SR., individually and as
a Personal Representative of THE ESTATE
OF TOMAS BARRERA, JR.

PRINT NAME

JUROR NUMBER

MARIA LAZOS, et al. v. CITY OF OXNARD, et al.
Case No. CV 08-02987 RGK (SHx)

INSTRUCTIONS TO JUROR

The integrity of our legal system depends upon the fairness and impartiality of judges and jurors. This questionnaire has been prepared to help me and the parties figure out whether or not you have had personal experiences or knowledge about the issues to be decided by the jury in this case.

Please answer each question below as completely and as accurately as you reasonably can. Your complete written answers will save a great deal of time for you, for me, for the lawyers and for the other jurors. Your answers will have the effect of a statement given to the Court under oath. What is needed is your very best, honest effort to answer the questions in the questionnaire.

If there is not enough space provided for you to write your full answer, there is a blank page at the end of the questionnaire. If you need to, simply continue your answer on the blank page, and write "see extra page" in the space originally provided for your answer. Please do not write on the back side of any page.

The lawyers and I may need to ask you follow-up questions in open court. If there are any questions that you feel uncomfortable talking about in public, just circle the numbers of the questions and we will ask you about them in private.

There are no right or wrong answers - only honest answers. This questionnaire is solely for jury selection.

CONFIDENTIALITY

The court staff and the attorneys will keep your responses confidential. Only the attorneys for the parties, their staff and I will review them before the trial. If you are not selected as a juror, your questionnaire and any copies will be destroyed. If you are selected, the attorneys will be permitted to keep a copy but will be under court order to use the information only for this case, and not to use or disclose the contents of the questionnaire for any purpose. You should be aware, however, that there are circumstances beyond my control under which the questionnaires of people chosen to sit on the jury may become part of the public record of the trial. If there are any subjects on the questionnaire that you do not want to write about, just circle the number of the question, and we will ask you about them in private.

WE REALIZE THAT WE HAVE IMPOSED UPON YOUR TIME IN ASKING YOU TO FILL OUT THIS QUESTIONNAIRE. WE THANK YOU FOR YOUR ATTENTION AND HONESTY.

PRINT NAME

JUROR NUMBER

JURY QUESTIONNAIRE

1. Please state your age _____, gender _____ and place of birth
_____.

2. What is your race? [please check one]

- White/Caucasian
 Black/African American
 Hispanic/Latino
 Asian/Pacific Islander
 Other: _____

3. State the area where you primarily grew up: _____

4. State your City of residence: _____

5. How long have you lived at your current residence? _____

6. What is your present occupation? [If retired, unemployed or disabled, please state your former occupation]: _____

7. Where are you currently employed and for how long?

8. What are your main duties on your job?

9. What other type of work have you done previously? Please list major jobs and employers:

10. If married, what is your spouse's occupation, present employer and job duties? [If divorced, please describe for ex-spouse]:

PRINT NAME _____

JUROR NUMBER _____

11. What are your parents' occupations (currently or before death or retirement)?

Mother: _____
Father: _____

12. If you have children, please list their ages, sex and occupations (if grown):

13. Please describe your educational background:

High school (number of years completed): _____
Favorite subject(s): _____
College (number of years completed): _____ Major: _____
Other technical or professional training: _____

14. What are your hobbies and interests? _____

15. Have you ever served as a juror in any other case?

Yes _____ No _____

If "Yes," please explain: _____

16. Have you ever been a victim of a crime? Yes _____ No _____

If "Yes," please explain: _____

If you have been the victim of a crime, please answer the following questions:

- a. How many times? _____
- b. What kind of crime(s)? _____
- c. Did you or anybody else report it to the police? _____
- d. Were you interviewed by police? _____
- e. Was a suspect caught? _____
- f. Do you feel the job the police did on it was satisfactory _____ or unsatisfactory _____. _____

Please explain: _____

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17. Do you have any problems with the idea of an ordinary citizen suing a police officer or sheriff for actions that arose in the line of his duty? Yes _____ No _____

If "Yes," please explain: _____

18. There has been publicity about lawyers, lawsuits, jury awards, etc. Have you formed any opinion on this topic?
Yes _____ No _____

If "Yes," please explain: _____

19. Do you believe:

There are too many lawsuits? Yes _____ No _____ Maybe _____

Jury awards are too high? Yes _____ No _____ Maybe _____

People are too ready to sue? Yes _____ No _____ Maybe _____

Lawsuits are costing us all too much money?

Yes _____ No _____ Maybe _____

20. Do you believe that money damages award in lawsuits are (check one):

_____ too low
_____ about right
_____ too large
_____ much too large

21. Do you believe [Please check the one that best applies]:

_____ Lawsuits against the police or sheriffs only keep the police and sheriffs from doing their job and cost the taxpayers money.

_____ Lawsuits against the police or sheriffs can be an important way of improving and controlling police and sheriff behavior.

PRINT NAME _____

JUROR NUMBER _____

22. Have you or any members of your family or close friends ever had any positive experiences with Los Angeles County Sheriff's Department or local police?

Yes _____ No _____

If "Yes," please explain: _____

23. Have you formed any positive impressions of the Los Angeles County Sheriff's Department or Los Angeles local police?

Yes _____ No _____

If "Yes," please explain: _____

24. Do you have any negative feelings about the awarding of money damages for what is called pain and suffering or emotional distress? Yes _____ No _____

If "Yes," please explain: _____

25. Do you support caps or limits on the amount of money juries can award? Yes _____ No _____

If "Yes," please explain: _____

26. Do you believe it is wrong in these economic times to bring a lawsuit against a city, county or state government agency, such as the Los Angeles County Sheriff's Department? Yes _____ No _____

If "Yes," please explain: _____

27. Do you or any of your family or close friends work for the city, county or state? Yes _____ No _____

If "Yes," please explain: _____

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28. Would you, if circumstances justified, bring a lawsuit against the Los Angeles County Sheriff's Department if you had a family member who had been injured or killed by the use of excessive force of an employee of the Sheriff's Department, such as a deputy officer?

Yes _____ No _____

If "No," please explain: _____

29. Have you or any members of your family or close friends ever had any positive or negative experiences, even slight ones, with the Los Angeles County Sheriff's Dept. or local police?

Yes _____ No _____

If "Yes," please explain: _____

30. Have you formed any positive or negative impressions of the Los Angeles County Sheriff's Dept. or local police in general? Yes _____ No _____

If "Yes," please explain: _____

31. Have you or any members of your family or close friends ever been stopped by or detained by the a sheriff or local police?

Yes _____ No _____

If "Yes," please explain: _____

32. Have you or any members of your family or close friends ever felt that you were treated improperly or insensitively by the sheriff or local police? Yes _____ No _____

If "Yes," please explain: _____

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33. If you or a family member or someone close to you were mistreated or injured by a sheriff or police officer, would you if circumstances justified bring a lawsuit? Yes _____ No _____

If "Yes," please explain: _____

34. Do you or your spouse have any legal training, or have you or your spouse taken any law courses?

Yes _____

No _____

If "Yes," please list the training and/or courses:

_____.

35. Have you taken any medical or psychology course?

Yes _____

No _____

If "Yes," please list the courses:

_____.

MILITARY

36. Have you, your spouse/partner, or other close family members ever served in the military?

Yes _____

No _____

If "Yes," please list

YOU

SPOUSE/
PARTNER

FAMILY
MEMBERS
(Specify Relationship)

Branch of service: _____

Dates of service: _____

Duty of Assignment: _____

Rank of Combat: _____

PRINT NAME

JUROR NUMBER

ACTIVITIES

37. What civic, social, professional, or trade clubs or organizations do you now belong to?

(a) What similar organizations have you belonged to in the past?

(b) Please list any office or title you currently hold, or have held in the past, in these or other organizations.

Organization	Office Held	Dates

38. Do you read in your spare time? Yes _____ No. _____

(a) If "yes," list the book(s) you have read in the last year:

39. What newspapers do you read regularly, including both local and out-of-town papers?

40. How often do you read a newspaper?

- _____ Everyday
- _____ Several times a week
- _____ Once or twice a week
- _____ Less often than once a week

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Never

41. What magazine(s) do you read regularly?

42. Do you watch television? Yes _____ No _____

(a) If "Yes," which programs do you tend to watch on a regular basis?

(b) Do you ever watch TV programs that show real life police activities, like programs named "Cops" or "America's Most Wanted?" Yes _____ No _____

If "Yes," how often?

- Very often
Occasionally
Almost never

43. Which radio station(s) do you generally listen to?

44. How often do you listen to news on radio or television?

- Everyday
Once or twice a week
Less often than once a week
Never

45. What is the most important source of news for you?

- Newspapers
TV
Radio
Magazines
Friends and Family

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46. Have you ever had to appear in court, or in any court proceeding, as a plaintiff, defendant, victim or witness for any reason? Yes _____ No _____

If "Yes," please state when and explain why you appeared in court:

47. Are you a housewife/homemaker? Yes _____ No _____.

If "Yes," please describe any activities outside the home you are involved in:

48. Are you retired? Yes _____ No _____

If "Yes," please describe the sorts of activities you are currently involved in (e.g., clubs, civic and volunteer groups):

49. Do you belong to any group or organization which is active in political matters or concerned with crime prevention or victims' rights? Yes _____ No _____.

If "Yes," please explain:

50. Do you have any relatives, friends, or close family members who have been wrongfully treated by any law enforcement officer of any nature? Yes _____ No _____

If "Yes," please explain:

51. List, in order of importance, the things you like to do best in your spare time:
-
-

PRINT NAMEJUROR NUMBER

LAW ENFORCEMENT

52. Please read the following list of law enforcement agencies:

Oxnard Police Department
 Any other police department
 Department of Corrections
 Police Commission
 Security/Detective Service
 State Prison Authorities
 Juvenile Delinquency Agency
 Federal Bureau of Investigation (FBI)
 Drug Enforcement Agency
 United States Marshal
 Immigration & Naturalization Service
 Other Federal Law Enforcement Agencies

Oxnard County Sheriff's Dept.
 County Jail Authorities
 District Attorney
 Probation or Probation Agency
 State Police
 Highway Patrol
 L.A. Unified School Police
 Military Police
 Federal Prison Authorities
 United States Attorney
 International Revenue Service
 CIA

(a) Have you, or has someone you know, ever been employed by any of the law enforcement agencies listed above, or by any other law enforcement organization (as employee or volunteer)?

Yes _____ No _____

If "Yes," please list:

Relationship to you
 (Friend, Son, etc.)

Position

Employer

(b) Have you ever had any contact with anyone in any law enforcement agency through your work, in your neighborhood, or in your social life? Yes _____ No _____

If "Yes," please list:

Relationship to you

Position

Employer

PRINT NAME

JUROR NUMBER

c. Have you, or has someone you know, ever been employed in a security-related job for a private business (for example, as a security guard or investigator)? Yes _____ No _____

If "Yes," please list:

Relationship to you	Position	Employer
_____	_____	_____
_____	_____	_____

53. Have you, or has any close friend or relative, ever considered working in law enforcement? Yes _____ No _____

If "Yes," please identify the person and explain:

54. In general, how would you rate the job the police in your city are doing in dealing with crime?

Excellent job

Good job

Only a fair job

55. In general, how would you rate the job the Los Angeles County Sheriffs and Deputies are doing in dealing with crime?

Excellent job

Good job

Only a fair job

56. Would you be more willing to believe the testimony of a police officer or deputy sheriff than another witness who is not a police officer or deputy sheriff?

Yes _____ No _____

If "Yes," please explain:

PRINT NAME

JUROR NUMBER

57. Some people feel that the job police officers and deputy sheriffs perform is so difficult and important that it is wrong to second-guess them by prosecuting or punishing them for wrongdoing which occurs in the course of their job performance. Would you agree it is wrong to prosecute or punish police officers or deputy sheriffs?

Agree _____

Disagree _____

If you "Agree," please explain: _____

58. What are your general views about the police officers and deputy sheriffs and their role in the community?
-
-

59. Do you believe police officers and deputy sheriffs, because of their training, are more apt to be truthful than other people?
Yes _____ No _____

If "Yes," please explain: _____

60. Do you believe a police officer or deputy sheriff would ever outright lie under oath? Yes _____ No _____

If "No," please explain: _____

61. Do you believe police officers or deputy sheriffs make mistakes in the performance of their duties?
Yes _____ No _____

(a) Why or why not? [Please explain]

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(b) Obedience and respect for authority are the most important virtues children should learn.

Agree somewhat

Disagree somewhat

Disagree strongly

Other: _____

Please explain your answer to (b), above.

c) Police officers and deputy sheriffs testify truthfully.

Agree somewhat

Disagree somewhat

Disagree strongly

Other: _____

Please explain your answer to c), above.

62. Do you believe the criminal justice system makes it too hard for the police, deputy sheriffs and prosecutors to convict people accused of crimes? Yes _____ No _____

If "Yes," please explain:

63. Do you have any hesitation about the fairness of prosecuting police officers or sheriffs who are charged with using too much force in making an arrest? Yes _____ No _____

If "Yes," please explain:

PRINT NAME

JUROR NUMBER

64. Have you ever witnessed an incident (other than what you have seen or heard regarding this case) where a police officer or sheriff used force on someone? Yes _____ No _____

If "Yes"

(a) Where and when did it occur? _____

(b) How did you feel the officer or sheriff conducted him/herself?

65. Have you or any member of your family or close friends ever been in the legal profession (e.g., lawyers, paralegal, law clerk, judge, court personnel, etc.)? Yes _____ No _____

If "Yes," please explain: _____

66. Do you or any members of your family or close friends belong to or contribute to any police or "support the police" type organizations? Yes _____ No _____.

If "Yes," please explain: _____

WEAPONS

67. Do you own, or have you ever owned any type of firearm?
Yes _____ No _____

If "Yes," please explain for what purpose you own a firearm

68. Have you ever used or handled a firearm?
Yes _____ No _____

If "Yes," please explain when and for what purpose

PRINT NAME

JUROR NUMBER

69. Do you feel that persons other than law enforcement officers should be permitted to own firearms or any other type of weapon?

Yes No

If "Yes," What persons and what type of weapons

70. Have you ever belonged to the National Rifle Association or any other organization that is concerned with protecting the right to own weapons? Yes No

If "Yes," what was/is the extent of your participation in the organization?

LIST OF WITNESSES

71. The following is a list of witnesses who may testify at trial:

Parties

Maria Lazos
Tomas Barrera
City of Oxnard
City of Oxnard Police Department
Chief John Crombach
Andrew Salinas

Expert Witnesses

Roger Clark
A. Keith Miller
Glenn Lipson
Richard H. Fox, Sr.
D.P. Van Blaricom
Dr. Bill Lewinski
Jared Zwickey

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Other Witnesses

Elizabeth Guelin

Elias Olmos

Margaret Olmos

Antonio Mendoza

Josephine Estrada

Beronica Tafoya

Sgt. Amar.

Sgt. Donald Jeffery Miller.

Dr. Randolph Nutter.

Eric Gonzalez

Oliverio Martinez

Epigmino Barragan

Victor Quiroz

Vincent Gabriel Rivera

Jose Rodriguez

Thomas Preciedo

Miguel Angel Sanchez

Alejandro Gomez

Tony Padilla

Martin Trinidad Gomez

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Officer Robert Coughlin

Officer Matt Purnell

Officer Young

Officer Erik Mora

Adam Nelson

Det. Joe Chase

Debra Schambra

Bill Johnson

Senior officer Maria Pena

Craig Stevens

Janice Frank, M.D.

Jill Nguyen

Dr. Arundati Yadavelli

Luis Garcia

If you know any of the witnesses listed above, please circle
the name(s) and specify how you know them:

72. As a result of any experience described above, is there
anything that would cause you to lean in favor of either the

PRINT NAME

JUROR NUMBER

plaintiff or the defendants in this case? Yes No

If "Yes," please explain: _____

PRINT NAME

JUROR NUMBER

CONCLUDING QUESTIONS

73. Is there any matter not covered by this questionnaire that should be brought to the attention of the court because it would affect your ability to be a fair and impartial juror?

Yes _____ No _____

If "Yes," please explain:

74. Is there any matter you would prefer to discuss privately with the judge? Yes _____ No _____

If "Yes," please explain:

75. Do you have any specific problems at home or at work that might interfere with your ability to concentrate on the case during trial? Yes _____ No _____

If "Yes," please explain:

76. Do you have any medical conditions or disabilities that would make it difficult for you to serve as a juror?

Yes _____ No _____

If "Yes," please explain:

77. Are you willing, as a juror, to remain as long as necessary to reach a verdict in the case, even if the proceeding lasts longer than the estimate given by the court?

Yes _____ No _____

If "Yes," please explain:

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78. What is the condition of your hearing? _____
79. What is the condition of your eyesight? _____
80. Have you ever visited or viewed a location which you believe to be the scene of the incident under discussion in this case?
Yes _____ No _____
81. What is the most serious criminal case you have followed in the media in the last five years? _____
- (a) Please describe your reaction, if any, to the outcome of those cases: _____
82. Have you formed any opinion about this case?
Yes _____ No _____
If "Yes"
(a) What is your opinion? _____
(b) Can you set aside any opinion and decide the case on the evidence presented in court, and the instructions on the law that the Court gives you? _____, Why or why not?

83. Are you or your family a member of any victims rights groups or crime stopper groups such as Justice for All, Just Say No, DARE, or MADD? Yes _____ No _____
If "Yes," please explain.

84. Do you understand that this is a civil case, a civil dispute rather than a criminal prosecution?
Yes _____ No _____
Please explain your answer.

PRINT NAME

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85. Do you understand that the burden of proof in a civil case is different than that in a criminal case such that, in a civil case, the party must prove something to you, as jurors, by a PREPONDERANCE OF THE EVIDENCE but in a criminal case the party must prove something BEYOND A REASONABLE DOUBT?

Yes _____ No _____

If "Yes," please explain

86. Do you recognize any of the attorneys who are here on this case?
Yes _____ No _____

If "Yes," please explain

87. Have you or any family member ever been represented by any of the attorneys who are here on this case?

Yes _____ No _____

If "Yes," please explain

88. Do you know anyone else on this jury panel?

Yes _____ No _____

If "Yes," please explain for what purpose you own a firearm

89. Do you have any specific problems dealing with stress or pressure? Yes _____ No _____

If "Yes," please explain:

90. Do you generally "hold your ground" when you feel that you are correct? Are you easily swayed by the strong influence of others? Please explain:
-

PRINT NAME _____

JUROR NUMBER _____

91. Would you be able to keep an open mind and question the opinion of a doctor? Yes _____ No _____

(a) Would your answer be the same for a nurse or a paramedic?
Why or why not?

92. If you are selected to serve as a juror in this case, the court will instruct you as follows: "You must decide all questions of fact in this case from the evidence received in this trial and not from any other source." Do you believe that you will be able to follow this instruction? Yes _____ No _____

93. If, as a juror on this case, you heard evidence that was in conflict with the information you learned from the media, how would you resolve that conflict? Please explain:

94. Do you believe law enforcement officers have the right to shoot a fleeing suspect?

Yes _____ No _____

If "Yes," please explain:

95. Are there any personal or financial reasons or other hardships that would prevent you from serving as a juror at this time?

Yes _____ No _____

If "Yes," please explain:

PRINT NAME

JUROR NUMBER

96. Do you know of any reason, no matter how small, why you could not be a fair juror in this kind of case? Yes _____ No _____

If "Yes," please explain:

End of Questionnaire

Use Attached Blank Page if Necessary for Additional Answers

DO NOT WRITE ON THE BACK SIDE OF ANY PAGE

PRINT NAME

JUROR NUMBER